

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re:	:	Case No. 20-54794
William M. Sweeney Michelle L. Sweeney	:	Chapter 13
Debtors.	:	Judge Mina Nami Khorrami

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**DEBTORS' MOTION TO MODIFY PLAN POST-CONFIRMATION**

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Debtors, by and through their counsel, hereby move to modify their Chapter 13 plan. Debtors respectfully request that the modification be granted for reasons more fully set forth in the Memorandum below.

Respectfully submitted,

/s/ Katherine B. Brewer  
Katherine B. Brewer (0087822)  
Wood & Brewer, LLC  
470 Olde Worthington Rd, Suite 200  
Westerville, Ohio 43082  
(614) 410-6878 (Telephone)  
(888) 560-1002 (Facsimile)  
[kbrewer@woodbrewerlaw.com](mailto:kbrewer@woodbrewerlaw.com)  
Counsel for Debtors

## **MEMORANDUM IN SUPPORT**

On May 5, 2021, Debtors' Chapter 13 plan was confirmed. Pursuant to the Debtors' Chapter 13 plan, Debtors were required to make payments of \$1,800.00 for 12 months, \$2,800.00 for 12 months, \$4,000.00 for 12 months, \$5,200.00 for 12 months, then \$6,125.00 for the remainder. The unsecured dividend was five percent (5.00%). On July 28, 2021, this Court signed an Order Approving a Motion to Modify Plan, changing the payments as follows, beginning in June 2021 (in order to pay the second mortgage with Fifth Third conduit through the plan): \$2,005.00 per month until October 2021, then \$3,005.00 per month until October 2022, then \$4,205.00 per month until October 2021, then \$5,405.00 per month until October 2024, then \$6,330.00 per month for the remainder of the plan (*See Doc. No. 49*). The unsecured dividend remains at five percent (5.00%).

Debtor was hopeful that he would have gained employment by this time, but due to the difficulties of obtaining employment amidst the COVID-19 pandemic, Debtor has been unable to do so. Therefore, the Debtors propose to pay \$1,800.00 per month from October 2021 until December 2021, then increase to \$3,005.00 until October 2022, then \$4,205.00 until October 2023, then \$5,405.00 until October 2024, then \$6,330.00 for the remainder of the plan. The dividend paid to unsecured creditors shall remain at five percent (5.00%). The Debtors shall make a plan payment for no longer than sixty (60) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holders, with the exception of Fifth Third Bank, who will receive the monthly mortgage payment of \$0.00 conduit through the Chapter 13 plan until December 2021. Attorney fees shall be \$0.00 per month from

September 2021 until December 2021 and will resume in the amount of \$25.00 per month in January 2022.

The proposed modified plan is attached hereto and a copy of the same, together with a copy of this Motion and Memorandum of Support has been sent to the Chapter 13 Trustee, US Trustee, and holders of all claims.

**WHEREFORE**, the Debtors pray they be permitted to amend the plan to conform to the attached amended plan pursuant to 11 USC Section 1329.

Respectfully submitted,

/s/ Katherine B. Brewer

Katherine B. Brewer (0087822)

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*Attorney for Debtors*

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**AMENDMENT TO CONFIRMED CHAPTER 13 PLAN**

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**Now comes the Debtor herein to amend the plan to state:**

Debtors' plan payment shall be \$1,800.00 per month from October 2021 until December 2021, then increase to \$3,005.00 until October 2022, then \$4,205.00 until October 2023, then \$5,405.00 until October 2024, then \$6,330.00 for the remainder of the plan. The dividend paid to unsecured creditors shall remain at five percent (5.00%). The Debtors shall make a plan payment for no longer than sixty (60) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holders, with the exception of Fifth Third Bank, who will receive the monthly mortgage payment of \$0.00 conduit through the Chapter 13 plan until December 2021. Attorney fees shall be \$0.00 per month from September 2021 until December 2021 and will resume in the amount of \$25.00 per month in January 2022.

**Dated: October 13, 2021**

**/s/ Katherine B. Brewer  
Attorney for Debtor(s)**

**Debtors' Verification**

I/we declare under penalty of perjury that I/we have read the attached amendments and that they are true and correct to the best of my/our knowledge, information or belief.

Date: October 13, 2021

/s/ William M. Sweeney  
Debtor, William M. Sweeney

/s/ Michelle L. Sweeney  
Joint Debtor, Michelle L. Sweeney

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**NOTICE OF MOTION/OBJECTION**

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The Debtors have filed papers with the Court to modify their plan. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or **before twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to 170 North High St., Columbus, OH 43215, or your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to;

Katherine B. Brewer, 470 Olde Worthington Rd., Suite 200, Westerville, OH 43082

Edward A. Bailey, Chapter 13 Trustee, 130 E. Wilson Bridge Road, Suite 200, Worthington OH 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further notice or hearing.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Modify Plan Post-Confirmation, was served (i) **electronically** on the date of filing through the Court's ECF system on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on October 13, 2021 addressed to:

**William M. & Michelle L. Sweeney  
1209 Chatham Ridge Road  
Westerville OH 43081**

**Alison A. Gill  
615 Copeland Mill Road, Suite 1F  
Westerville, Ohio 43081 (Attorney for Lender)**

**U.S. Bank Trust National Association, as Trustee of the Chalet Series IV Trust  
c/o SN Servicing Corporation  
323 Fifth Street  
Eureka, CA 95501 (Lender)**

Respectfully submitted,

/s/ Katherine B. Brewer  
Katherine B. Brewer (0087822)  
Wood & Brewer, LLC